

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA

v.

1:11-cr-006-JL-01

BRIAN MAHONEY

GOVERNMENT'S OBJECTION TO MOTION TO WITHDRAW, DOCKET #33

Defense counsel, Paul Garrity, has filed a Motion to Withdraw indicating that his client has requested him to do so.

For the following reasons the government objects.

Current defense counsel is replacement counsel, the Court having granted the defendant's request to appoint new counsel once before.

The defendant has previously expressed to the Court his desire to represent himself, although Attorney Garrity has not filed a Motion seeking such on the defendant's behalf.

The defendant has written numerous letters to the undersigned, copies of each having been forwarded to defense counsel. In those letters the defendant has indicated that he desires to represent himself, but also indicated that Attorney Garrity would be stand- by counsel. He has also advised in a recent letter that he will be hiring an investigator and will seek a continuance of the trial date.

It is not clear to the undersigned that the defendant understands that he needs Court approval to proceed *pro se*, nor is it clear that he has legitimate grounds to seek to have

Attorney Garrity withdraw.

There is an outstanding issue of whether the defendant is competent to stand trial.

Consequently, at this point in time based upon the information known, the government objects.

WHEREFORE the government objects and respectfully requests that the Court schedule a status hearing¹ at which time the outstanding issues of *pro se* representation, Attorney Garrity's status, and the defendant's competence, can be addressed.

WHEREFORE the government objects.

July 27, 2011

Respectfully submitted,
John P. Kacavas
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Certificate of Service

I certify that the above Objection has been filed electronically, this date, and has thereby been served upon counsel of record, Paul Garrity, via ecf filing notice.

/s/Arnold H. Huftalen
Arnold H. Huftalen
Assistant U.S. Attorney

¹The undersigned will be on vacation during the week of August 1st and therefore requests that if a hearing is scheduled it be done after August 5th.